

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**CHARLES PATRICK WAYNE)
BURGESS,)**

Plaintiff,)

v.)

WELLS TURNER, *et al.*,)

Defendants.)

Case No. 5:21-cv-920-AMM-HNJ

MEMORANDUM OPINION AND ORDER


The Magistrate Judge entered a report on September 20, 2023, recommending the dismissal of this action without prejudice under 28 U.S.C. § 1915A(b) as frivolous, for failing to state a claim upon which relief can be granted, and for seeking monetary relief from a defendant who is immune from such relief. Doc. 57. The Magistrate Judge further recommended the court deny plaintiff's Motion to Intervene. Although the Magistrate Judge advised the plaintiff of his right to file written objections within fourteen days, the court has not received any objections.

After careful consideration of the record in this case and the Magistrate Judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation and 28 U.S.C. § 1915A(b), the plaintiff's federal claims are due to be dismissed without prejudice as frivolous, for failing to state a claim upon which relief can be granted, and for seeking monetary relief from

a defendant who is immune from suit. Additionally, the plaintiff's state-law claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). The plaintiff's Motion to Intervene is **DENIED**. Doc. 55.

A final judgment will be entered.

DONE and **ORDERED** this 9th day of November, 2023.


ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE